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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,287

11/12/2003

Robert J. Mills

14580

9323

7590

03/31/2005

Denton L. Anderson  
9th Floor  
225 South Lake Avenue  
Pasadena, CA 91101

EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p><b>Office Action Summary</b></p>	Application No.	Applicant(s)	
	10/712,287	MILLS ET AL.	
	Examiner	Art Unit	
	Joseph F Edell	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,11,12,18,19,22,23,28,29,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,10,13-17,20,21,24-27,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/2/04-10/14/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species II (Figures 6 and 7) in the reply filed on 10 January 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 7, 8, 11, 12, 18, 19, 22, 23, 28, 29, 32, and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

### ***Claim Objections***

2. Claims 3-5, 13, 15, 16, and 24-26 are objected to because of the following informalities:
- a. claim 3, lines 1-2; claim 13, lines 10-11; and claim 24, lines 11-12, "the forward edge of the seating surface is laterally adjustable with respect to the rearward edge of the work surface" should read --the rearward edge of the work surface is laterally adjustable with respect to the forward edge of the seating surface--;
  - b. claim 4, line 5; claim 15, line 5; and claim 25, line 5, "a riser rail" should read --each riser rail--;
  - c. claim 5, line 3; claim 16, line 3; and claim 26, line 3, "the upper portion" should read --an upper portion--;

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d. claim 5, line 5; claim 16, line 5; and claim 26, line 5, "a second slide section" should read --at least one of said pair of parallel slide sections--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 13-15, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,039,392 to Dencker.

Dencker discloses a chair and desk combination that includes all the limitations recited in claims 1-4, 13-15, 24, and 25. Dencker shows a chair and desk combination having a base 40 (Fig. 1), a chair 50 (Fig. 1) attached to the base and including a seating surface 51 (Fig. 1) with a forward edge, a work surface 20 (Fig. 1) attached to the base and including a rearward edge and a work surface area between about 80 square inches and about 1100 square inches (see column 2, lines 61-62), a pair of parallel, horizontal rails 41c (Fig. 6A) of the base with each horizontal rail having forward and rearward ends, and a pair of parallel riser rails 41b (Fig. 6A) attached to the work surface and each including an upper portion and a lower most end wherein the forward end of the each horizontal rail is attached to the lower most end of each riser rail, the height of the seating surface is vertically adjustable (see Fig. 3), the chair is

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capable of swiveling about a vertical axis through an arc of at least 15° (see column 4, lines 35-41) and the distance between the forward edge of the seating surface and rearward edge of the work surface is laterally adjustable (see column 5, lines 6-11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 16, 17, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dencker in view of U.S. Patent No. 2,168,910 to Merrill.

Dencker discloses a chair and desk combination that is basically the same as that recited in claims 5, 6, 16, 17, 26, and 27 except that the work surface lacks slide sections, as recited in the claims. Merrill shows a chair and desk combination similar to that of Dencker wherein the combination has a base 10,13 (Fig. 2) with parallel riser rails 35 (Fig. 5) attached to the base, a work surface 23 (Fig. 2) defined on a substrate 33 (Fig. 3) with an underside, a pair of parallel first slide sections 38,39 (Fig. 4) attached to an upper portion of the riser rails and including a pair of transverse rails, a pair of parallel second slide sections 24 (Fig. 4) attached to the underside of the substrate and including a pair of slide rods, each first slide section cooperates with one of the second slide sections so that the rearward edge of the work surface can be laterally adjusted by sliding the work surface forward or rearward, and each of the slide rods slidably

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disposed within both transverse rails. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the chair and desk combination of Dencker such that the work surface is defined on a substrate with an underside, the upper portions of the riser rails are attached to a pair of parallel first slide sections, a pair of parallel second slide sections are attached to the underside of the substrate, and each first slide section cooperates with one of the second slide sections so that the rearward edge of the work surface can be laterally adjusted by sliding the work surface forward with respect to the seating surface or by sliding the work surface rearwardly with respect to the seating surface wherein the first slide sections have a pair of transverse rails and the second slide sections have a pair of slide rods such that each of the slide rods being slidably disposed within both transverse rails, such as the chair and desk combination disclosed in Merrill. One would have been motivated to make such a modification in view of the suggestion in Merrill that the slide sections configuration provides telescopic interfitting of the substrate and riser rails allowing forward and rearward movement of the work surface to accommodate users of in both standard schools and orthopedic schools.

7. Claims 9, 10, 20, 21, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dencker in view of Merrill as applied to claims 5, 6, 16, 17, 26, and 27 above, and further in view of U.S. Patent No. 5,507,550 to Maloney.

Dencker discloses a chair and desk combination that is basically the same as that recited in claims 9, 10, 20, 21, 30, and 31 except that the slide sections lack a notched rail and a latch, as recited in the claims. Maloney shows a chair and desk

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combination similar to that of Dencker wherein the combination has parallel riser rails 44 (Fig. 2), a work surface 16 (Fig. 1) defined on a substrate (Fig. 6) with an underside, a notched rail 113 (Fig. 2) on a first slide section that includes a plurality of notches 113b (Fig. 6), a latch 116 (Fig. 6) on the underside of the substrate, and a latch release mechanism 132 (Fig. 6) disposed proximate an edge for access by the user such that the latch is capable of cooperating with the plurality of notches to alternatively fixedly engage and disengage the work surface with respect to the riser rails so that the work surface can be slid closer or farther from a seating surface 22 (Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the chair and desk combination of Dencker such that the first slide sections have a notched rail with a plurality of notches, the second slide sections have a latch, and a latch release mechanism on the latch that is disposed proximate to the rearward edge of the work surface wherein the latch is capable of cooperating with the notches in the notched rail to alternatively fixedly engage the work surface with respect to the base at any one of a plurality of distances from the seating surface and disengage the work surface from the base so that the work surface can be slid closer to the seating surface or farther from the seating surface, such as the chair and desk combination disclosed in Maloney. One would have been motivated to make such a modification in view of the suggestion in Maloney that the latch and notch configuration on the substrate and slide section provides a work surface that may be moved either forward or rearward.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to chair and desk combinations:

U.S. Pat. No. 1,280,874 to Scott

U.S. Pat. No. 1,454,565 to Sanford

U.S. Pat. No. 2,532,812 to Huber

U.S. Pat. No. 2,664,147 to O'Keefe et al.

U.S. Pat. No. 2,732,007 to MacWhirter

U.S. Pat. No. 2,921,623 to Humphries et al.

U.S. Pat. No. 3,622,199 to Ho

U.S. Pat. No. 4,767,159 to Opsvik

U.S. Pat. No. 6,102,475 to Hamann

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216 until 07 April 2005 and will be (571) 272-6858 thereafter. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

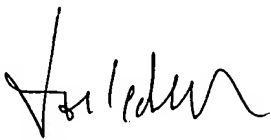
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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A handwritten signature in black ink, appearing to read "Joe Edell". The signature is fluid and cursive, with a prominent vertical stroke at the beginning.

Joe Edell

March 24, 2005